

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:19-00244

TERRINDEZ XSIDRICK BRYANT

**MEMORANDUM OPINION AND ORDER**

Pending before the court is the defendant's motion to continue trial and other deadlines. (ECF No. 37.) The court recently appointed new counsel for defendant. In support of defendant's motion, his new counsel explains that he needs additional time to obtain and review discovery materials from defendant's former counsel and to discuss these materials with defendant. Counsel also states that the government does not oppose the continuance of this matter. For good cause shown, the defendant's motion is **GRANTED**.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** the defendant's motion to continue. In deciding to grant defendant's motion, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion "would deny counsel for the defendant . . . the reasonable time

necessary for effective preparation, taking into account the exercise of due diligence.” Id. § 3161(h)(7)(B)(iv).

Accordingly, the court hereby **ORDERS** as follows:

- I. The deadline for the filing of pretrial motions is continued until **March 22, 2021**;
- II. The Pretrial Motions Hearing is continued until **March 29, 2021, at 3:30 p.m.** in Charleston;
- III. Jury Instructions and Proposed Voir Dire are due to the court by **April 20, 2021**;
- IV. Trial of this action is continued until **April 27, 2021, at 9:30 a.m.** in Charleston;
- V. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

**IT IS SO ORDERED** this 16th day of February, 2021.

ENTER:



David A. Faber

Senior United States District Judge